

S.J.R. No. 6

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to investments by statewide public retirement systems.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. Article XVI, Section 67(a)(3), of the Texas Constitution is amended to read as follows:

(3) Each statewide benefit system must have a board of trustees to administer the system and to invest the funds of the system in such *manner* [~~securities~~] as the board may consider prudent [~~investments~~]. In making investments, a board shall exercise the judgment and care under the circumstances then prevailing that persons of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital. The legislature by law may further restrict the investment discretion of a board.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to allow the board of trustees of a statewide public retirement system to invest funds of the system in a manner that the board considers prudent."

Adopted by the Senate on February 25, 1991, by the following vote: Yeas 30, Nays 0; May 25, 1991, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 1991, House granted request of the Senate; May 27, 1991, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0. Adopted by the House, with amendments, on May 23, 1991, by the following vote: Yeas 113, Nays 30, one present not voting; May 26, 1991, House granted request of the Senate for appointment of Conference Committee; May 27, 1991, House adopted Conference Committee Report by the following vote: Yeas 130, Nays 10, two present not voting.

Filed with the Secretary of State, May 29, 1991.

S.J.R. No. 8

SENATE JOINT RESOLUTION

proposing a constitutional amendment to establish the Texas Ethics Commission and to authorize the commission to recommend the salary of members of the legislature and the lieutenant governor, subject to voter approval, and to set the per diem for those officials, subject to a limit.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. Article III of the Texas Constitution is amended by adding Section 24a to read as follows:

Sec. 24a. (a) The Texas Ethics Commission is a state agency consisting of the following eight members:

(1) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the house of representatives from each political party required by law to hold a primary;

(2) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary;

(3) two members of different political parties appointed by the speaker of the house of representatives from a list of at least 10 names submitted by the members of the house from each political party required by law to hold a primary; and

(4) two members of different political parties appointed by the lieutenant governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary.

(b) The governor may reject all names on any list submitted under Subsection (a)(1) or (2) of this section and require a new list to be submitted. The members of the commission shall elect annually the chairman of the commission.

(c) With the exception of the initial appointees, commission members serve for four-year terms. Each appointing official will make one initial appointment for a two-year term and one initial appointment for a four-year term. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment. A member who has served for one term and any part of a second term is not eligible for reappointment.

(d) The commission has the powers and duties provided by law.

(e) The commission may recommend the salary of the members of the legislature and may recommend that the salary of the speaker of the house of representatives and the lieutenant governor be set at an amount higher than that of other members. The commission shall set the per diem of members of the legislature and the lieutenant governor, and the per diem shall reflect reasonable estimates of costs and may be raised or lowered biennially as necessary to pay those costs, but the per diem may not exceed during a calendar year the amount allowed as of January 1 of that year for federal income tax purposes as a deduction for living expenses incurred in a legislative day by a state legislator in connection with the legislator's business as a legislator, disregarding any exception in federal law for legislators residing near the Capitol.

(f) At each general election for state and county officers following a proposed change in salary, the voters shall approve or disapprove the salary recommended by the commission if the commission recommends a change in salary. If the voters disapprove the salary, the salary continues at the amount paid immediately before disapproval until another amount is recommended by the commission and approved by the voters. If the voters approve the salary, the approved salary takes effect January 1 of the next odd-numbered year.

SECTION 2. Article III, Section 24, of the Texas Constitution is amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary of Six Hundred Dollars (\$600) per month, *unless a greater amount is recommended by the Texas Ethics Commission and approved by the voters of this State in which case the salary is that amount.* Each member shall also receive a per diem *set by the Texas Ethics Commission [of Thirty Dollars (\$30)]* for each day during each Regular and Special Session of the Legislature.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. ~~[This amendment takes effect on April 22, 1975.]~~

SECTION 3. Article IV, Section 17, of the Texas Constitution is amended to read as follows:

Sec. 17. (a) If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor.

(b) The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more *unless the Texas Ethics Commission recommends and the voters approve a higher salary in which case the salary is that amount*; and during the time he administers the Government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. *An increase in the emoluments of the office of Lieutenant Governor does not make a member of the Legislature ineligible to serve in the office of Lieutenant Governor.*

(c) The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office.

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment creating the Texas Ethics Commission and authorizing the commission to recommend the salary for members of the legislature and the lieutenant governor, subject to voter approval, and to set the per diem for those officials, subject to a limit."

Adopted by the Senate on February 27, 1991, by the following vote: Yeas 26, Nays 3; May 27, 1991, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 27, 1991, House granted request of the Senate; May 27, 1991, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1. Adopted by the House, with amendment, on May 27, 1991, by the following vote: Yeas 148, Nays 0; May 27, 1991, House granted request of the Senate for appointment of Conference Committee; May 27, 1991, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, one present not voting.

Filed with the Secretary of State, May 29, 1991.

S.J.R. No. 11

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. Article VII of the Texas Constitution is amended by adding Section 4A to read as follows:

Sec. 4A. (a) On application to the School Land Board, a natural person is entitled to receive a patent to land from the commissioner of the General Land Office if:

(1) the land is surveyed public free school fund land, either surveyed or platted according to records of the General Land Office;

(2) the land was not patentable under the law in effect immediately before adoption of this section;

(3) the person acquired the land without knowledge of the title defect out of the State of Texas or Republic of Texas and held the land under color of title, the chain of which dates from at least as early as January 1, 1941; and

(4) the person, in conjunction with his predecessors in interest:

(A) has a recorded deed on file in the respective county courthouse and has claimed the land for a continuous period of at least 50 years as of January 1, 1991; and